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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,347	06/12/2001	Mats Nystrom		2187

7590 06/19/2003

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1423 Powhatan Street
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ALEXANDRIA, VA 22314

EXAMINER

LANGEL, WAYNE A

ART UNIT	PAPER NUMBER
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1754

DATE MAILED: 06/19/2003

2

Please find below and/or attached an Office communication concerning this application or proceeding.

*sent a FAX
Nov. 19*

Office Action Summary

Application No.

878347

Applicant(s)

Nystrom et al

Examiner

Langel

Group Art Unit

1754

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-20 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-20 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☐ All ☐ Some* ☒ None of the:

- ☒ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. _____

☐ Copies of the certified copies of the priority documents have been received

in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 2
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 7-11 and 20 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Schreyer et al. or Giesselmann et al. or Goor et al. Schreyer et al., Giesselmann et al. and Goor et al. all disclose processes for producing hydrogen peroxide according to the anthraquinone process wherein the solvent may contain isodurene in an amount of at least 15 weight percent. For example, Schreyer et al. discloses from column 1, line 57 - column 2, line 23 that the solvent may include isodurene in combination with 17 to 83% of an alpha-tertiary carbon atom fatty

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acid ester. The isodurene would be present in an amount from 17-83% when the alpha-tertiary carbon atom fatty acid ester is employed in an amount of 17 to 83%. Giesselmann et al. disclose from column 1, line 26 - column 2, line 28 that the solvent should be 1,3,5-triazine in combination with isodurene. Giesselmann et al. teach at column 2, lines 27 and 28 that the triazine should be at least 15% of the total solvent by volume. The isodurene would be present in an amount up to 85% of the total solvent by volume when the triazine is present in an amount of at least 15%. Goor et al. disclose at column 4, lines 45-53 that isodurene should be employed in combination with tetra-substituted ureas as the solvent, and discloses at column 10, lines 27-31 that the volume ratio of substituted urea to aromatic hydrocarbon is from 10 to 50 parts of substituted urea to 90 to 50 parts of aromatic hydrocarbon.

Claims 4-6 and 12-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Goor et al. or Giesselmann et al. or Schreyer et al. Goor et al., Giesselmann et al. and Schreyer et al. are relied upon as discussed hereinbefore. It would be further obvious to employ durene in an amount not exceeding about 25% of total amount of quinone solvents in the process of Schreyer et al., Giesselmann et al. or Goor et al., since Schreyer et al. suggest at column 2, lines 12-23 that any of the isomers of tetramethylbenzene can be employed; Giesselmann et al.

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specifically disclose at column 2, line 1 that 1,2,3,4-tetramethylbenzene can be employed as a quinone solvent; and Goor et al. suggest at column 4, lines 45-53 that any tetramethylbenzene can be employed as the solvent.

Shin et al., Ledon, Kabisch et al. '089, Kabisch '342 and Kabisch et al. '061 are made of record for disclosing the anthraquinone process for producing hydrogen peroxide wherein tetramethylbenzenes are employed as the quinone solvents.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne A. Langel whose telephone number is (703) 308-0248. The examiner can normally be reached on Monday through Friday from 8 A.M. to 3:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman, can be reached on (703) 308-3837. The fax phone number for this Group is (703) 305-7718.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2351.

WAL:cdc

June 13, 2003

Wayne A. Langel
WAYNE A. LANGEL
PRIMARY EXAMINER